

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

CASE NO. 20-mj-30180

Plaintiff,

Hon. Patricia T. Morris

v.

United States Magistrate Judge

JESSE THEODORE McFADDEN,

Defendant.

**Stipulation and Proposed Order to Adjourn Preliminary Hearing
and to Exclude Time to Indict under the Speedy Trial Act**

1. On May 21, 2020, defendant Jesse McFadden, made his initial appearance on the complaint in this case, which charges him with one count of being a prohibited person in possession of a firearm in violation of 18 U.S.C. § 922(g)(1).

2. On May 26, 2020, the court detained McFadden and set a preliminary hearing for June 4, 2020.

3. Based on prior stipulations of the parties, the preliminary hearing was adjourned until August 31, 2020.

4. The parties now seek to adjourn the August 31, 2020 preliminary hearing until October 1, 2020, because the parties are currently engaged in pre-indictment negotiations but need some additional time to complete them.

5. The parties stipulate and agree that the amount of time between August 31, 2020 and October 1, 2020 should be excludable from the time in which the government must file an indictment under the Speedy Trial Act, because it will allow time for the parties to engage in pre-indictment negotiations, and the parties agree that the ends of justice served by the adjournment outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7).

6. Moreover, defendant consents to the adjournment and waives the 21-day time period in which to hold the preliminary hearing under Federal Rules of Criminal Procedure 5.1(c) and consents to extending the time pursuant to Federal Rule of Criminal Procedure 5.1(d).

Respectfully submitted,

Dated: August 27, 2020

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**Order to Adjourn the Preliminary Hearing
and to Exclude Time Under the Speedy Trial Act**

The Court has considered the parties' stipulation to adjourn the preliminary hearing until October 1, 2020, and to exclude the amount of time between August 31, 2020 to October 1, 2020, from the time that the government must return an indictment. For the reasons described in the parties' submission, and after considering the factors listed in § 3161(h)(7)(B), the Court finds that the ends of justice served by granting the parties' requested continuance outweigh the best interests of the public and the defendant in a speedy trial and that the time from August 31, 2020 to October 1, 2020 qualifies as excludable delay under 18 U.S.C. § 3161(h)(7). Specifically, the Court finds that the parties need additional time to conduct further investigation and review pre-indictment discovery.

IT IS THEREFORE ORDERED that Preliminary Hearing will be adjourned until October 1, 2020 at 1:00 pm; and,

IT IS FURTHER ORDERED that the time from August 31, 2020 to October 1, 2020, shall constitute excludable delay under the Speedy Trial Act, 18 U.S.C.

§ 3161(h)(7), because the Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy trial.

Date: August 31, 2020

S/ PATRICIA T. MORRIS

Patricia T. Morris

United States Magistrate Judge